

2008 AUG 18 PH 3:46

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/529,656  
Applicant : Oug-Ki Lee, et al.  
Filed : July 8, 2005  
T.C./A.U. : 2615  
Examiner : Brian Ensey

Confirmation No.: 1635

Docket No. : 21CEN-004PUS  
Customer No. : 022494

**REQUEST FOR REFUND**

U.S. Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On July 30, 2008, a Response to an Office Action was filed in connection with the above-identified U. S. Patent Application. The response was filed within the three month deadline indicated on the PTO Office Action (attached hereto).

On August 7, 2008 our deposit Account 500845 was erroneously charged in the amount of \$60.00 for a one month extension fee.

Enclosed is a copy of the Response dated May 15, 2008 filed on July 30, 2008 and the Monthly Statement of Deposit Account for Deposit Account 500845 showing the erroneous charge to Docket No. 21CEN-004PUS.

Accordingly, we respectfully request that you credit our Deposit Account 500845 in the amount of \$60.00.

Application No. 10/529,656

Attorney Docket No. 21CEN-004PUS

Please call the undersigned attorney if you have any questions or if further information is required.

Respectfully submitted,

Dated: August 18, 2008

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: /Paul D. Durkee/  
Paul D. Durkee  
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**Deposit Account Statement**

Requested Statement Month: August 2008  
 Deposit Account Number: 500845  
 Name: DALY, CROWLEY, MOFFORD & DURKEE  
 Attention: JUDITH C CROWLEY, ESQ  
 Street Address 1: 354 A TURNPIKE STREET  
 Street Address 2: SUITE 301A  
 City: CANTON  
 State: MA  
 Zip: 02021-2714  
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/01	736	61085134	RTN-463PUSP	1005	\$210.00	\$20,230.50
08/01	1112	61085142	RTN-464PUSP	1005	\$210.00	\$20,020.50
08/01	1375	12183541	ALLEG-181PUS	1011	\$310.00	\$19,710.50
08/01	1376	12183541	ALLEG-181PUS	1111	\$510.00	\$19,200.50
08/01	1377	12183541	ALLEG-181PUS	1311	\$210.00	\$18,990.50
08/01	1378	12183541	ALLEG-181PUS	1202	\$200.00	\$18,790.50
08/01	3202	61085218	RTN-466PUSP	1005	\$210.00	\$18,580.50
08/04	8136	PCT/US08/72046	RTN-323PWO	1601	\$300.00	\$18,280.50
08/04	8137	PCT/US08/72046	RTN-323PWO	1703	\$60.00	\$18,220.50
08/04	8138	PCT/US08/72046	RTN-323PWO	1704	\$2,665.00	\$15,555.50
08/04	8139	PCT/US08/72046	RTN-323PWO	1710	\$1,137.00	\$14,418.50
08/04	8262	12105817	RTN-265AUS	8021	\$40.00	\$14,378.50
08/05	1097	12183541	ALLEG-181PUS	8021	\$40.00	\$14,338.50
08/05	1161	12183367	RTN-235PUS	8021	\$40.00	\$14,298.50
08/05	12010	12059071	EMC-098PUS	1011	\$310.00	\$13,988.50
08/05	12011	12059071	EMC-098PUS	1111	\$510.00	\$13,478.50
08/05	12012	12059071	EMC-098PUS	1311	\$210.00	\$13,268.50
08/05	12014	12059071	EMC-098PUS	1252	\$460.00	\$12,808.50
08/05	12013	12059071	EMC-098PUS	1051	\$130.00	\$12,678.50
08/05	12045	12059071	EMC-098PUS	8021	\$40.00	\$12,638.50
08/06	1320	E-REPLENISHMENT		9203	\$15,000.00	\$27,638.50
08/06	10918	12183367	ALLEG-235PUS	8021	\$40.00	\$27,598.50
08/07	1	10529656	21CEN-004PUS	2251	\$60.00	\$27,538.50
08/07	12867	11056793	CJC-002BUS	1806	\$180.00	\$27,358.50
08/07	14202	11020775	MGH-005CUS	2253	\$525.00	\$26,833.50
08/07	14203	11020775	MGH-005CUS	2801	\$405.00	\$26,428.50



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6-15-08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,656	07/08/2005	Oug-Ki Lee	21CEN-004PUS	1635

22494 7590 05/15/2008  
DALY, CROWLEY, MOFFORD & DURKEE, LLP  
SUITE 301A  
354A TURNPIKE STREET  
CANTON, MA 02021-2714

EXAMINER
ENSEY, BRIAN

ART UNIT	PAPER NUMBER
2615	

NOTIFICATION DATE	DELIVERY MODE
05/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@dc-m.com  
amk@dc-m.com

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/529,656	LEE ET AL.	
	Examiner	Art Unit	
	Brian Ensey	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 30 March 2005.

2a) ☐ This action is FINAL.                      2b) ☐ This action is non-final.

3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☒ Claim(s) 1-10 is/are allowed.

6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 30 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☒ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-848) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date _____ 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: _____
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**DETAILED ACTION**

*Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Korea on 10/2/2002. It is noted, however, that applicant has not filed a certified copy of the 10-2002-0060003 application as required by 35 U.S.C. 119(b).

*Specification*

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application. The applicant discusses the Korean utility model registration No 221534 and the Korean patent registration No. 310891 at length in the specification but did not provide copies for review. Include copies of these patents in next correspondence.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phrasology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "12" has been used to designate both a first groove and a second groove in Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both a mastoid vent hole and outgoing line through hole in figures 1 and 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: See "speaker 80" on page 18, lines 9 and 11. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: See Fig. 4, item



88. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Allowable Subject Matter*

Claims 1-10 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed to a subminiature bone conduction speaker. Independent claims 1 and 10 identify the uniquely distinct feature of a mastoid coupled to a vibrating plate and vibrating coil and an acoustic vibrating plate coupled to an acoustic coil wherein both coils are in the magnetic gap of a ring type magnetic circuit and an electrical signal input unit applies a predetermined electrical signal to the vibrating and acoustic coils in combination with all the disclosed limitations of claims 1 and 10. The closest prior art, Kang (US 6483917) discloses a combined air-conduction and bone-conduction transducer, but fails to teach separate coils and inputs for driving the air-conduction and bone-conduction portions of the transducer; Sakai (US 6850138) discloses a vibration actuator for a cellular phone capable of producing a call sound, a

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voice and a vibration, but fails to teach separate coils and inputs for driving the air-conduction and bone-conduction portions of the transducer; Yoshii (JP58182398) discloses a bone conduction transducer, but fails to teach separate coils and inputs for driving the air-conduction and bone-conduction portions of the transducer; and Han (WO 02/25989 A1) discloses a subminiature bone conduction speaker, but fails to teach separate coils and inputs for driving the air-conduction and bone-conduction portions of the transducer. The prior art fails to anticipate or render the independent claims obvious.

#### *Conclusion*

This application is in condition for allowance except for the following formal matters:

As discussed in detail above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:00 AM - 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Va. 22313-1450

**Or faxed to:**

(571) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".  
Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Arlington, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian Ensey/  
Primary Examiner, Art Unit 2615  
May 7, 2008

Document code: WFEE

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Sales Receipt for Accounting Date: 08/07/2008

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